

REMARKS

Claims 1-45 are all the claims pending in the application.

Claims 1-4, 9-12, 19 and 21-25 have been amended to further clarify the claimed invention.

The Examiner has rejected claims 1-14, 19, 21-34, 40 and 41 under 35 U.S.C. § 103(a) as being unpatentable over Eraslan (U.S. Patent No. 6,381,346) and Beymer. Applicant traverses these rejections because the cited references fail to disclose or suggest all of the claim limitations. Specifically, the references fail to disclose or suggest at least the following limitations of the independent claims (1, 2, 9-12, 19, 21, 23 and 25): (1) generating referential image data based on a detected three-dimensional shape and (2) shooting conditions that comprise illumination conditions.

Eraslan generates three-dimensional face surface images. However, the three-dimensional images are generated based on two-dimensional mug shots (col. 3, lines 10-11) and based on three-dimensional head surface data of samples of heads maintained in a data base (col. 4, lines 38-39; col. 11, line 66 to col. 12, line 3.) These sample heads are not the same as the actual face being detected in the claimed invention to arrive at a referential face image. There is no disclosure in Eraslan of detecting an actual three-dimensional shape.

Also, Eraslan stores three-dimensional data corresponding to each part of a face, selects a component for each part of a face through the matching of feature points, and generates three-

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dimensional face data assembling components. Consequently, facial images in arbitrary postures are generated and geometrical image fluctuations due to postures are corrected.

The claimed invention, however, uses a detected 3D shape of a face. Eraslan only displays generated images. Further, Eraslan does not consider how to correct shades in an image caused by illumination. Beymer also fails to consider it. Therefore, even if the two references were combined, the claimed invention could not be obvious.

Regarding dependent claims 3-8, 13, 14, 22, 24, 26-34, 40 and 41, they should be allowable at least based on their dependence from their respective independent claims for the reasons described above.

The Examiner has rejected claims 15-18, 20, 35-39 and 42-45 under 35 U.S.C. § 103(a) as being unpatentable over Eraslan, Beymer and Wang. Applicant traverses these rejections because the cited references fail to disclose or suggest all of the claim limitations of the independent claims, as discussed above, from which these claims depend.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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